

THE THIEF FOUGHT HARD.

Hot Chase and Desperate Encounter Between a Blue-coat and a Burglar.

Taking Refuge in a Cellar with No Exit, He Held the Policeman at Bay and Taunted Him.

DRIVEN OUT BY MEN AND DOGS.

Armed with a Piece of Board, He Engaged the Policeman, Who Had a Night-Stick—Brave Bluecoat's Winning Fight.

Captain Westervelt, of the East One Hundred and Fourth Street Station, who for weeks has been worrying over the many small robberies committed within his precinct, is congratulating himself upon a number of arrests made early yesterday morning, and by which he hopes to break up the gang who have been operating so successfully. He gives the credit for the chief arrest to Patrolman John W. Holzer, a "reform" policeman.

Holzer, who is only twenty-four years old, stands six feet two inches in height and is of athletic build. He was a compositor. After passing a creditable civil service examination he was appointed to the force on October 9 last. Eight days later he got married. He lives with his wife at No. 353 East One Hundred and Sixty-fifth street.



A Plucky Bluecoat.

He chased a burglar through streets and houses, over rear courtyard fences, now and then firing his revolver, and finally met him in a hand to hand combat and overcame him. The burglar was armed with a piece of board and the policeman with his nightstick, and the encounter was a fierce one.

(Sketches by a Journal staff artist.)

He was on duty Thursday night from 6 o'clock until midnight, and the latter time found him waiting for Policeman Carroll to relieve him at One Hundred and Third Street and Second Avenue. Just as Carroll came along Holzer noticed four men walking in Indian file across the avenue at One Hundred and Fourth Street. All were carrying heavy parcels. Directing Carroll's attention to the men, he decided to follow, whereupon they broke into a run, three of them dropping their bundles. The fourth man, who did not seem anxious to part with his booty, crossed the avenue and kept on down One Hundred and Third Street in the direction of the river. While Officer Carroll tried to keep the first three men in sight, Holzer followed the fourth man, and the latter, dropping his bundle, led a chase down the street and along First Avenue to One Hundred and Third Street, up which he ran with the big policeman in hot pursuit. When the supposed burglar reached the house No. 307 he turned, and, dropping down through an open grating, disappeared in the area. Holzer sprang down after him in time, he says, to see some one with a lighted lantern open the cellar door at the other end, admit the fugitive and then slam the door.

Then Holzer got up into the hallway and rushed into the yard, just as the burglar was dropping over the seven-foot fence into the yard of No. 305. The policeman in the meantime had drawn his revolver, and, after a call to halt, fired one shot, which went wide of its mark. Then he ran for the fence and nimbly climbed over.

The burglar, who was small and slenderly built, was just as quick as the policeman, and as the latter got over the fence the other was climbing over the fence of the yard No. 303 from No. 305. This brought him up against the fence leading into the yard of the house No. 2012 Second Avenue, which is just around the corner.

When he reached the last fence the burglar was nearly exhausted, and he could never have got over it but for the fact that a board was lying against it. Up this board the fellow climbed and the policeman from the top of the fence behind fired three shots in rapid succession. Two of them missed their mark. The third grazed the burglar's thumb.

Putting his pistol in his pocket, the officer climbed over the fence into the yard of the Second Avenue house, but when he got down the fugitive was nowhere to be seen. He was about to push his way through the only door leading to the cellar of the house when he heard a noise from within.

"If you come a step further I will kill you, Stand back!"

The hallway as well as the cellar was pitch dark at the time, and Holzer was unable to see anything. He was uncertain whether or not the burglar had a pistol. Neither did he want to go inside in the dark, where his antagonist would have all the advantage.

The house No. 2012 Second Avenue is rented out to a number of families. The ground floor is occupied as a butcher shop by Frederick Benz. The latter, with his wife and family, lives overhead. The cellar in which the burglar found refuge is used by Benz for dressing meats, and half a dozen workmen are employed there during the day. The only entrance to the cellar from Second Avenue is by a kind of hatchway, which is covered at night by heavy gates. There was no escape for the burglar by that means, but the officer did not know how the man had trapped himself. The burglar, evidently aware of the fact that his escape was cut off, began to taunt the policeman. He invited him to step inside and fight it out in the dark. Holzer's answer was to draw his pistol.

"I have another bullet left here yet," he said, "and unless you come out and surrender I will go in and shoot to kill."

To this the man in the cellar only continued his taunts accompanied by threats.

He said that he also had a pistol and would use it if the officer came to close quarters. This enraged Holzer, who declared that he would arrest him without using the last bullet, and then he made a dash for the cellar. He had scarcely got inside the door when he received a blow from a heavy stick on the left shoulder. He stopped back into the yard.

At the same moment nearly every window in the house, as well as the tenements in the vicinity, was thrown open, the shooting having aroused the occupants. One of them demanded to know the cause, and when Holzer said "burglars" the people began to arm themselves with clubs and other weapons that lay at hand. When Butcher Benz found that one of the burglars was in his cellar he shouted out that there was no way for him to escape. The policeman told him to come down with a light, and Benz said "All right."

The butcher keeps several valuable dogs, and on going down he took two of them, both mastiffs, with him. He opened the front door and there found a number of policemen. Then the covering to the hatchway mentioned was removed, and headed by the dogs the party descended.

The burglar did not wait for them. In the cellar he had found a heavy piece of pine about two feet long, and bounding into the yard he began a fierce fight for liberty. He managed to strike the policeman another blow on the injured shoulder, but that was about all. One blow delivered on the head from the heavy night stick sent the burglar staggering across the yard against the opposite fence with the blood pouring from an ugly wound. Mrs. Benz was looking out of the window at all that followed, and this is what she says:

"The first blow of the club did not seem to even start the burglar, who sprang back at the policeman. I think they aimed blows at each other for a full minute, and then the officer broke his night stick on the man's head. Then he took the board



from the burglar and hit him again, the man falling down in the snow. The moon was shining at the time, so they had plenty of light."

The prisoner's injuries were dressed by an ambulance surgeon, and he was taken to the East One Hundred and Fourth Street Station. There he was recognized by Policeman Whalen as John Hines, who had been convicted of assaulting him in 1894, and who had been out of jail only a few months. He had nearly killed Whalen at the time.

Other policemen were sent out to ascertain if any place had been broken into. They found that the door of Knorr & Eyerly's grocery store, No. 2023 First Avenue, had been forced and a quantity of groceries carried away. Among the articles stolen were chests of tea, weighing in the aggregate 400 pounds; several dozen cans of preserved milk, sardines and so on, and a quantity of coffee and cigars. The police searched in vain for the bundles which the four men had with them when first seen. No trace was found of the men who had escaped.

Later in the morning Captain Westervelt, having heard of the details, directed Ward Detectives Brown and Guttsell to make a thorough search of the house No. 307 East One Hundred and Third Street, through the area of which Hines had first disappeared. They found that a Mrs. Gormley, who lived on the third floor, had rented out rooms to two men named Edward O'Boyle and William Tomee. Tomee and a man named John Neller were found asleep in bed. Both men said they worked in the Harlem market, and Neller explained his presence there by saying that he had called on his friend to have an hour's sleep before both should start to work together.

Under a lounge in the room the police found nearly a score of boxes of sardines, and in a room adjoining two chests of tea. They also found a number of other articles, which were afterward identified by the grocers as a portion of the stolen property.

The patrol wagon was sent for, but before its arrival John Gorman, twenty-five years old, of No. 205 East Seventy-fifth Street, called at the house, and was put under arrest. O'Boyle, who appeared a few moments later, was also arrested.

In the Harlem Police Court both Gorman and O'Boyle were discharged by Magistrate Crane. The former said he was not connected with the house, and had called to see if a wayward brother of his had been mixed up in the trouble. He had heard of the shooting. O'Boyle proved that he was at work from 11 o'clock Thursday night until 7 o'clock yesterday morning.

Neller and Tomee, who protested their innocence, and had a number of respectable men in court to testify to their good character, were held for examination in \$500 for receiving stolen goods. They claimed that in entering the house they found the door open, and that some one had placed the stolen goods there without their knowledge.

Hines was held for examination in \$1,500 bail. Not being able to furnish the bonds, he was locked up in the Harlem prison. The police declare a "sucker" that another man had been arrested, but that he jumped from the patrol wagon and escaped.

BANQUE DU PEUPLE WILL PAY.

Decided by Shareholders That the Bank Shall Not Go into Liquidation.

Montreal, Jan. 10.—An adjourned meeting of the shareholders of the Banque du Peuple was held to-day, and was largely attended.

Mr. Boyer, on behalf of a committee of shareholders, advised that the bank go into liquidation under the Winding-Up act. President Grenier declared that the directors were prepared to guarantee \$200,000. A lengthy discussion ensued, and it was finally decided not to go into liquidation, but that the directors should continue to administer the affairs of the bank and to pay the liabilities as fast as the collections will permit.

A committee, composed of John Crawford, representing the stockholders; a representative of the depositors, and a practical banker, are to act as an advisory committee to the Board.

The depositors will meet Friday next to appoint their representative.

LOCKJAW LIES IN WAIT.

Peculiar Defence in the Burglar Suit for Death from Vaccination.

Tetanus Germs Are Said to Be Especially Prevalent Throughout Long Island.

ONE MAY HAVE GOT IN THE WOUND.

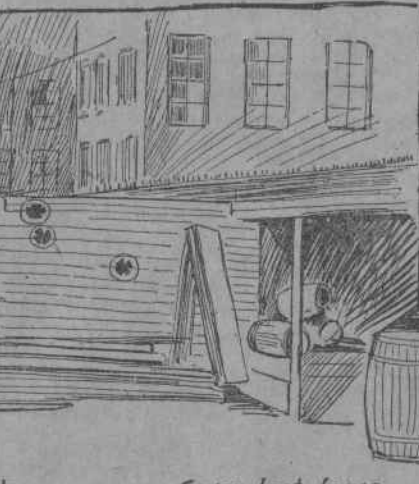
Testimony of the Doctors Who Attended the Dead Girl Says Impure Matter Was Injected with the Virus When Vaccinated.

Supreme Court Justice Van Wyck and a jury of married men sat in Brooklyn yesterday to hear testimony in the suit for \$5,000 brought against Health Commissioner Zachary Taylor Emery and Dr. Frank E. Boyden for causing the death by vaccination of Julia, the nine-year-old daughter of Peter Burggraf, of No. 39 Thames Street.

The case is one of especial interest owing to the fact that there are other parents awaiting the outcome of the suit with the view of bringing legal proceedings themselves.

The defence was decidedly interesting yesterday in bringing in evidence that the germs of tetanus, or lockjaw, were especially prevalent in Long Island, and might lodge in the bodies, clothing, etc., of every resident of Brooklyn, waiting for opportunity to deal the death stroke.

Little Julia Burggraf attended Public School No. 38, in Stag Street, and on April 10, 1894, while a smallpox epidemic was supposed to be raging, she, together



with the other children, were all vaccinated by Dr. Boyden, the chief of the staff of vaccinators appointed by Dr. Emery. On May 4, 1894, the girl died of lockjaw.

RIGHT TO VACCINATE DENIED.

The parents of the child claim that Dr. Boyden had no right to vaccinate the little girl without their consent. Mrs. Burggraf testified that on Friday morning, April 7, the children of the school were notified that they would be vaccinated during the afternoon. As a result of this notification she kept her daughter at home. She did not want her vaccinated, as the family physician had attempted to that matter a few months previously.

On the Monday following the notification Julia went to school and learned that the vaccination had been postponed from Friday. She received the virus with the rest, and upon coming home that afternoon was taken violently ill. She died on May 2 of lockjaw, and the Coroner's jury found that improper vaccination had caused her death. J. Stewart Ross, attorney for the Burggrafs, declared to the jury yesterday that the vaccination of little Julia was an assault, and he would prove it to the satisfaction of the Court. Peter Burggraf, the father, a mineral water driver, was placed on the stand. He told how his child sickened and died from the effects of the virus. He declared that he was never asked for his permission to have the child vaccinated, and that he had instructed her not to allow it. As it was, he said, the mark was plainly visible on her left arm, where the previous vaccination had occurred. The physicians called in by the family told him that the vaccination had caused his child's death by allowing extraneous matter to enter the blood.

LONG ISLAND'S GERMS.

At this point Lawyer Ross said something about the physicians going about "jabbing" rusty instruments into children's arms. Lawyer Alexander Van Cott, for the defence, at once denied that rusty instruments had been used. He declared that vaccination did not cause lockjaw. "The evidence is," he said, "that there is a germ, peculiar to Long Island, which physicians know very well as the germ of tetanus. It gets into the blood it will cause lockjaw. It may be present in the

air, in our bodies, in our clothes, our carpets, and we never know when we touch a wound that we will not communicate it to the blood."

The Health Department cannot be held responsible for the presence of these germs in the atmosphere.

At this point Lawyer Ross objected to the pleading of the ivory points in evidence. "I would like to see them used on Dr. Emery or Dr. Boyden. Then we will know what they're made of," said the lawyer.

Dr. Emery at this sprang to his feet, pulled one arm out of his coat sleeve and declared that he was perfectly willing to have the experiment tried. The Court, however, decreed that it was not necessary, and the case went on.

Dr. Richard H. Sullivan, at one time special vaccinator for the Health Department, testified that in March, 1894, he was called, with the other physicians of Dr. Emery's staff, and given oral instructions by his chief. They were told that vaccine points would be furnished and that they were to go to the schools and vaccinate.

Dr. Alvin H. Schwab, of No. 717 Freshwick Avenue, was the next witness. He is the Burggrafs' family physician, and testified that he had vaccinated little Julia eight months before she died. The vaccination, he declared, was a complete success.

IMPURE MATTER IN HER BLOOD.

On the morning of May 1, 1894, he was called in and found his patient suffering with stiffness of the muscles of the neck and arms. He also found a hole in the arm where the vaccination had been made. At night the child was much worse. She could not eat or drink. Dr. John Meyer was called in consultation and everything was done to save the child's life, but without avail. The girl died, he testified, through impure matter entering her blood, and the only conclusion was that vaccination was responsible for her death.

Dr. Meyer, when called to the stand, confirmed the judgment of Dr. Schwab as to the cause of Julia's death.

Mrs. Mary H. Schaub, a teacher in School No. 36, testified that Dr. Boyden vaccinated little Julia Burggraf, but did not wash her arms before the operation.

Among the other witnesses were Doctors Frederick O. Jewett, Chief of the Department of Contagious Diseases; Charles Jewett, and George McNaughton, president of the Medical Society of Kings County. Dr. F. O. Jewett could not tell, upon examination, how many cases of

lockjaw had occurred as a result of vaccination, or whether there were any.

At this point ex-Judge Reynolds, assistant coroner for the defense, moved to dismiss the complaint against both defendants. The request was denied, and the evidence will be summed up to-day.

MORE WORK OF GHOULS.

Bodies of Two Women Recently Buried Found in the Medical Department of Drake University.

Des Moines, Ia., Jan. 10.—The police to-day discovered in the medical department of Drake University the bodies of Mrs. Rachel Townsend and Alexander Bell, which had been buried in the Saylorville Cemetery within ten days, and taken from the graves by ghouls.

Three other bodies were found in the dissecting rooms which are supposed to have been taken from the same cemetery. There is no trace of the robbers, the authorities of the school claiming the bodies were shipped to them.

Other graves have been discovered to have been tampered with in other country cemeteries lately.

DEATH OF A NEW YORK WRITER

Walter Clark Nichols Succumbs Suddenly to Heart Disease in Denver.

Denver, Col., Jan. 10.—Walter Clark Nichols, who arrived last night from New York City, commissioned to write up Cripple Creek for Harper Brothers, was found dead in bed at the St. James Hotel at noon to-day.

The cause assigned is heart disease.

ICE SINKS A PENNSYLVANIA TUG.

The Pennsylvania tug E. S. Wetherill was caught by an ice foe as she was about to leave her North River slip yesterday.

The tug's planking was cut through and she was holed. The crew managed to reach the dock barely in time.

NEWS OF THE COURTS.

Grover S. Hubbard was appointed by Justice Beckman yesterday to be a commissioner of appeal in the matter of importing and exporting Riverside Park and the land and water front adjacent thereto, as the successor of the late John H. Costen.

The figures will stop at the Shoreham and will have their two ardent supporters, District Attorney John R. Fellows and Senator Thomas F. Grady, with them.

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Next Sunday's Journal.

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Art Supplement Jan. 12 1896.



This beautiful and artistic cut-out toy will prove a delightful source of amusement in any family where there are children.

FREE WITH NEXT SUNDAY'S JOURNAL, ONLY 3 CENTS.

NEW YORK CITY IS AHEAD.

Promoters of the Convention Movement Confident of Easy Victory—The Committees.

The movement to secure the Democratic National Convention for New York is steadily growing, and the prediction was made last night that no other city in the country would be able to compete with Gotham before the Democratic National Committee, which meets in Washington on Thursday next.

Ex-Governor Roswell P. Flower and ex-Secretary of the Navy William C. Whitney have both given most of their time to missionary work among the members of the Committee from various States, and they are confident that New York will win the prize. They have been in communication with many leaders, who have all expressed themselves as favoring New York.

Among those who will go to Washington next week as members of the Citizens' Committee appointed by the Board of Trade and Transportation are John D. Crimmins, ex-Congressman Isador Straus, Francis B. Thurber, Postmaster Charles W. Dayton, H. B. Brockway, Simon Ford, Colonel A. B. De Preece, Chairman John A. Mason, of the Democratic State Executive Committee; James H. Breslin, General Daniel Butterfield, S. W. Fairchild, R. M. Walter, G. M. Smith, E. L. McLaughlin, Dr. J. C. James, Robert Dolan, C. A. Barratello, Theodore M. Roche and Seaman Liechtenstein. The committee will have headquarters at the Arlington Hotel.

In addition to this committee Tammany Hall will send a delegation headed by Leader John C. Sheehan and ex-Mayor Thomas F. Gilroy. The figures will stop at the Shoreham and will have their two ardent supporters, District Attorney John R. Fellows and Senator Thomas F. Grady, with them.

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GLARED AND PASSED ON.

Four Ancient Enemies—Judge Smyth, Recorder Goff, Justice Jerome and Mr. Newell—Met Unexpectedly.

There was a short comedy scene in the rotunda of the Criminal Court building yesterday which brought to the recollection of most of those who witnessed it some scenes and incidents not quite so comical that occurred a few years ago.

The actors in yesterday's comedy were Judge Frederick Smyth, Recorder John W. Goff, Justice W. Travers Jerome and Edward A. Newell, foreman of the Grand Jury. Several years ago, when Judge Smyth was Recorder, Messrs. Goff and Jerome, who were then practicing law, were fined by the Recorder \$250 each for contempt of court.

The two lawyers were at the time defending Agents Becker and Finn, of the Society for the Prevention of Cruelty to Children, who were on trial before Recorder Smyth on charges of bribery. Edward A. Newell was bondsman for one of the defendants. The fine imposed upon Mr. Jerome was afterward rescinded.

This incident caused much ill feeling between Mr. Newell, the two lawyers and Recorder Smyth. Since then Mr. Goff has had the satisfaction of defeating Smyth for the Recorder's office and Jerome has become a Police Justice in several sessions.

On January 6 Judge Smyth, who was elected to the Supreme Court Bench last November, took his seat in the Criminal Branch of the Supreme Court. With Mr. Newell as foreman of the Grand Jury, the Criminal Court building has all four of the gentlemen within its walls during the business hours of the day.

During the lunch hour yesterday the three judges and the juryman came face to face in the rotunda. They were within a few feet of each other, and were going in opposite directions, when all looked in. The four men glared at each other as they

to This Country.

Within a few days there will arrive in this city Rev. Frank H. Chalfant, for many years a missionary for the Presbyterian Church in China. He is at present visiting relatives in Pittsburgh. Upon his arrival here he will pay his respects to the Board of Foreign Missions of the Presbyterian Church, Fifth Avenue and Twentieth Street.

Before leaving China Mr. Chalfant was intrusted with an important mission by his associates in the missionary field in the East. A Bible, the costliest with one exception ever gotten up, was intrusted to his care to be delivered to the Presbyterian Church in China. It is the only genuine copy of the original presented a year ago to the Chinese Emperor on the occasion of her sixtieth birthday by 10,000 missionaries and Christians in China, and which cost \$1,152.35.

A strong effort was made to influence the

Presbyterian Library's Bible.

Sent to this city from China by missionaries stationed there. It is a facsimile of the costly present made by these missionaries to the Chinese Emperor, except that its cover is of wood instead of precious metal. The Bible rests in a carved wooden box lined with plush.

(Sketches by a Journal staff artist.)

passed for an instant, then each hurried on his way.

Judge Smyth left the building through the Centre street door, Recorder Goff went down the basement stairs toward the Franklin street door, Justice Jerome made a hurried exit down the stairs on the White street side, and Mr. Newell disappeared through the Elm street exit.

Just before disappearing from view each man turned and gave a hasty sweeping glance at the other three. Then those in the rotunda who knew the four men indulged in a general snigger.

Chicago Wants a Substitute.</